

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 11, 21 and 30 will have been amended. Accordingly, claims 11-31 will be pending with claims 11, 21, 30 and 31 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner rejected claims 11-30 over the art of record and indicated that claim 31 is allowed. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Support for Claim Amendments

Applicant has amended claims 11, 21 and 30 to recite that the longitudinal threads are held in place in the transverse direction only by the adhesive. Support for the change to these claims can be found on page 3, lines 3-4 of the first paragraph and lines 5-7 of the third paragraph, as well as page 5, lines 3-4 of the second paragraph, of the instant specification.

Present Amendment is proper for entry

Applicant submits that the instant amendment is proper for entry after final rejection in view of the Examiner's comments in the Interview of July 14, 2003 wherein the Examiner agreed that the claims would define over the applied art of record if the claims were amended to specifically recite that "only" the adhesive holds the threads in place.

Applicant notes that no question of new matter nor are any new issues raised in entering the instant amendment of the claims and that no new search would be required, especially since the Examiner indicated that such an amendment would distinguish the invention over the applied documents.

Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicant request that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicant traverses the rejection of claims 11-30 under 35 U.S.C. § 103(a) as being unpatentable over US patent 4,439,482 to SUEMATSU alone.

The Examiner acknowledges that SUEMATSU lacks, among other things, the recited

P20784.A08

dtex/cm values, strengths and dtex. However, the Examiner asserted that the document discloses that warp and weft can have different strengths and denier in order to produce a tape that can be easily torn. The Examiner also opined that the document “recognizes the denier .. as a result effective variable.” Finally, the Examiner concluded that it would have been obvious to modify SUEMATSU to have the recited dtex/cm values, strengths and dtex in order to optimize tearability and strength and because selecting these particular values would involve only routine experimentation. Applicant respectfully traverses these assertions and the rejection.

Notwithstanding the Office Action assertions as to what this document discloses or suggests, Applicant submits that no proper modification of the above-noted document discloses or suggests, inter alia, an adhesive tape wherein a titre of the longitudinal threads per unit width of the adhesive tape is lower than a titre of the transverse threads per unit length of the adhesive tape and at most equal to 2500 dtex/cm, *the longitudinal threads being held in place in the transverse direction only by the adhesive*, so as to give to the adhesive tape a transverse tearing stress of less than 10 N, as recited in independent claims 11, 21 and 30.

As explained in Applicant’s previous response, Applicant does not dispute that SUEMATSU relates to an adhesive tape in which the base fabric is laminated with a polyethylene film. This laminated structure is then heat treated to make it tearable.

However, it is clear that only after such lamination and treatment is the structure tearable by hand. Finally, an adhesive is applied only after the tape is rendered tearable. Thus, it is apparent that the threads are immobilized by the film and not by the adhesive. It is also clear that the adhesive is not necessary to render the tape tearable by hand. See col. 4, lines 26-52.

Conspicuously absent from the disclosure of this document is any suggestion with regard to the adhesive participating in any way in the holding or the immobilizing of the longitudinal threads (or any threads for that matter). Indeed, to the extent that the Examiner believes that this occurs, the Examiner is believed to be engaging in speculation.

Applicant emphasizes that claims 11, 21 30 clearly recite that *the longitudinal threads are held in place in the transverse direction only by the adhesive*, so as to give to the adhesive tape a transverse tearing stress of less than 10 N. This is clearly not disclosed or suggested in the document. Nor has the Examiner identified any disclosure in this document which would suggest that the adhesive participates in immobilizing any threads, much less, the longitudinal threads.

Nor would it make any sense to automatically assume, as the Examiner has done, that the mere application of an adhesive to the laminate necessarily or inherently causes the threads to be immobilized thereby. To the contrary, if SUEMATSU were relying on the adhesive to participate in the immobilizing of the longitudinal threads, there would presumably be no need for the film. However, SUEMATSU clearly does require the film to

P20784.A08

render the laminate tearable. Indeed, SUEMATSU specifically discloses that the laminate structure can be torn by hand prior to the adhesive being applied (See col. 4, lines 42-52).

Finally, Applicant notes that the Examiner has agreed in the Interview of July 14, 2003 that the claims would define over the applied art of record if the claims were amended to specifically recite that “only” the adhesive holds the threads in place.

Because the applied document fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper modification of this document can render unpatentable the combination of features recited in at least independent claims 11, 21 and 30.

Additionally, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify the applied reference in the manner asserted by the Examiner, i.e., the Examiner has identified no prior art disclosure supporting the Examiner’s position that it would have been obvious to modify SUEMATSU in the asserted manner. Nor does the Examiner’s opinion provide a proper basis for these features or for the motivation to modify this document, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claims 11, 21 and 30 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied reference.

Further, Applicant submits that claims 12-20 and 22-29 are allowable at least for the

P20784.A08

reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper modification of SUEMATSU discloses or suggests, in combination: that the titre of the transverse threads per unit length is between 3000 and 4500 dtex/cm as recited in claims 12 and 22; that the longitudinal threads are arranged closer to one another and have a lower unit titre than the transverse threads as recited in claims 13 and 23; that a number of the longitudinal threads comprises between 30 and 50 longitudinal threads per cm width as recited in claims 14 and 24; that a number of the transverse threads comprises between 18 and 27 transverse threads per cm length as recited in claims 15 and 25; that the titre of the longitudinal threads is between about 40 and 60 dtex as recited in claims 16 and 26; that the titre of the transverse threads is between 150 and 250 dtex as recited in claim 17 and 27; that the adhesive is sensitive to pressure as recited in claims 18 and 28; that the adhesive tape further comprises an anti-adhesive layer covering a face of the support which is opposite the face which is covered by the adhesive as recited in claim 19; and that each of the plurality of threads is dyed as recited in claim 29.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Traversal of the Examiner's comments

At the bottom of page 2 of the final Office Action the Examiner asserted that SUEMATSU “teaches applying the adhesive to the warp and weft fibers”. Applicant respectfully disagrees. Applicant notes that the Examiner has identified no disclosure in this document in support of this assertion. Applicant submits that SUEMATSU merely discloses applying a resin layer to a woven base fabric, heat treating this lamination, and thereafter applying an adhesive to the lamination. See col. 2, lines 34-37 and col. 4, lines 45-52.

In the first full paragraph of page 3 of the final Office Action the Examiner again asserted that SUEMATSU teaches that “an adhesive layer is applied to the longitudinal threads”. Again, Applicant respectfully disagrees. Applicant notes that the Examiner has identified no disclosure in this document in support of this assertion. Applicant again emphasizes that SUEMATSU merely discloses applying an adhesive to a laminated polyethylene film. See col. 4, lines 45-52.

Acknowledgment of Allowable Subject Matter

Applicant acknowledges and appreciates the Examiner's indication that claim 31 is allowed.

CONCLUSION

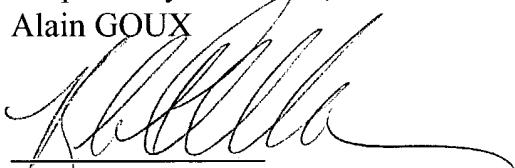
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
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